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ART UNIT	**PAPER NUMBER**
2609	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/507,018	ELIASSON ET AL.	
	Examiner	Art Unit	
	Christopher E. Leiby	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *61-120* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *61-120* is/are rejected.

7)☒ Claim(s) *73,76,78,79,110,111 and 116* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 March 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/08/2004 and 05/31/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The information disclosure statement received on September 8th, 2004 and Ma 31st, 2006 have been considered.

2. Claims **61-120** are pending

Specification

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

4. The following paragraphs require detailed drawings as to further the understanding of applicant's invention.

Paragraphs: 22, 26, 77-79.

Drawings Objections

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the:

Flexible element

Stiff member

Depressing means

Rows/columns of detecting points for CCD

Transmitting means

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner notes there is an over abundance of errors and respectively requests applicant to review claims and show every feature of the claims in the drawings, besides those listed here.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters:

"25" has been used to designate both screen cover and transmissive layer.

"26" has been used to designate soft upper layer, upper soft screen cover, and transmissive layer.

"19" has been used to designate both apertures of apertures and thin films.

"32" has been used to designate both mirror and 3D wide-angle lens.

"31" has been used to designate mirror, concave mirror, and 2D wide-angle lens.

"10" has been used to designate both Primary concave mirror and ordinary primary concave mirror.

"27" has been used to designate both lenses and wide-angle lenses.

"28" has been used to designate both lenses and wide-angle lenses.

"1" in figure 16 points to a car not a pen.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the

description: 2, 6, and 42 and the following reference sign is not mentioned in the drawings: 31.

8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

9. **Claim 73** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The claim recites means for detecting light emitted at a predetermined point of the first surface in two different directions and means for determining the position of the predetermined point from the directions in which the light was detected. Both of which were previously claimed in 71. The angle of incidence would be the means for determining the position of the predetermined point from the directions in which the light was detected. Applicant

is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form.

Claims 78, 79, 110, and 111 are objected to because of the following informalities: the word COD should be CCD. Appropriate correction is required.

Claim 76 is objected to because of the following informality: the word multipla should be multiple. Appropriate correction is required.

Claim 116 is objected to because of the following informality: the word mans should be means. Appropriate correction is required.

10. Examiner respectively requests applicant to review application for other minor informalities and correct appropriately.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. **Claims 71-72 and 78-79** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding **claims 71 and 72**, the disclosure does not identify the difference between the first or second receiving means, nor does the disclosure specify the use of either the first or second means besides "receiving the transmitted light by a first and a second means."

In addition claim 71 recites: "the detecting means being adapted to determine an angle of incidence". There is no disclosure of how this is done and therefore it would be impossible to someone to make and practice the invention in a way the Applicant intended.

Regarding **claims 78 and 79**, the specification does reasonably disclose an understanding to one skilled in the art of how a CCD detector wherein each detector comprises at least one row of the CCD. A CCD is understood to be a detector enabled to receive light throughout the entire CCD. Comprising at least of a row of the CCD would be against the understanding of a CCD.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

14. Claims 64, 71, 74-78, 80, 83-85, 97, 104, 107 and 109 are rejected under 35 U.S.C. 112 second paragraph.

Claims 64 and 97 recites the limitation "member" in claim 63 and 96 respectively. There is insufficient antecedent basis for this limitation in the claim. If "member" is referring to the transmissive member of claim 63 then claim 64 should particularly point out and distinctly describe which member the applicant is referring to.

Claim 71 is rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "receiving means further comprises means for detecting light received at least two different areas or points." The antecedent basis of receiving means from claim 61 claims a first and a second receiving means. There is no mention of which particular receiving means applicant is referring to.

Claim 74 recites the limitation "detecting means" in claim 63 depend of 61. There is insufficient antecedent basis for this limitation in the claim.

Claim 75 recites the limitation "reflecting/lens means" in claim 61. There is insufficient antecedent basis for this limitation in the claim.

Claim 76 recites the limitation "one-dimensional detectors" and "predetermined point" in claim 65. There is insufficient antecedent basis for this limitation in the claim.

Claim 77 recites the limitation " the at least one detector " in claim 61. There is insufficient antecedent basis for this limitation in the claim.

Claim 78 is rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "and wherein each detector comprises at least one row of the CCD." However earlier in the claim stated "wherein the CCD detector is a two-dimensional detector having a number of rows of detecting points/areas." It is not clear what "each" detector means.

Claim 80 recites the limitation " the reflecting/lens means " in claim 71. There is insufficient antecedent basis for this limitation in the claim. If applicant is referring to a

reflecting/lens means or simply a mirror or lens then appropriate action is required and should be corrected.

Claim 83 recites the limitation " two lens means or mirror means " in claim 82. There is insufficient antecedent basis for this limitation in the claim. If applicant is simply a mirror or lens then appropriate action is required and should be corrected.

Claim 84 is rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The antecedent basis of the lens or mirror means in claim 83 describes two lens or mirror means. This claim does point out or distinctly claim which or both means are being described.

Claim 85 recites the limitation " transporting means " in claim 83. There is insufficient antecedent basis for this limitation in the claim.

Claim 104 recites the limitation "the detecting step " in claim 94. There is insufficient antecedent basis for this limitation in the claim.

Claim 107 recites the limitation "the at least one detector" in claim 106. There is insufficient antecedent basis for this limitation in the claim.

Claim 109 recites the limitation " the predetermined point " in claim 8. There is insufficient antecedent basis for this limitation in the claim.

15. *As best understood by examiner and assuming correct antecedent basis of all claims, the following prior art are found to anticipate applicants invention.*

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 61-64, 71-97, and 104-120 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ogawa et al.,** (US Patent 5,502,568), herein after referred to as Ogawa.

Regarding **claims 61 and 94** Ogawa discloses a touch pad (*abstract reference optical position detecting* unit) having: a light transmissive means (*Figure 3 21*) having a first surface adapted to receive light, the transmissive means being adapted to transmit received light inside the light transmissive means along the first surface (*21*), a first (*22*) and a second (*23*) means adapted to receive light received by the surface, transmitted along the first surface by the transmissive means, and for outputting corresponding signals (*Column 7, lines 60-61*), and means for determining, on the basis of signals from the receiving means, a position of the first surface having received light (*Columns 7-8, lines 60-67, 1-17, Figures 3 and 4*).

Regarding **claims 62 and 95** Ogawa discloses a touch pad further comprising a display or monitor, the monitor or display being positioned so as to provide or display information provided or displayed thereby through the first surface of the light transmissive means (*Column 3 and 5, lines 52-57 and 37-65 respectively*).

Regarding **claims 63 and 96** Ogawa discloses a touch pad, wherein the light transmissive means comprises an at least substantially flat light transmissive member having at a surface thereof a light transmissive coating or layer, an upper surface of which forms the first surface of the light transmissive means (*Figure 3 21*).

Regarding **claims 64 and 97** Ogawa discloses a touch pad, wherein the member comprises a light transmissive display or monitor (*Column 3 and 5, lines 52-57 and 37-65 respectively*).

Regarding **claims 71 and 104** Ogawa discloses a touch pad wherein the receiving means comprise means for detecting light received at least two different areas or points, the detecting means being adapted to determine an angle of incidence of detected light at each area or point (*Column 13, lines 15-67, figure 3).*

Regarding **claims 72 and 105** Ogawa discloses a touch pad wherein the detecting means comprise at least one detector and, for each area or point, a reflecting means (light receiving element) or lens means for directing the light received at the area or point on to the at least one detector (*Column 14, lines 5-41*).

Regarding **claims 73 and 106** Ogawa discloses a touch pad wherein the receiving means comprise means for detecting light emitted at a predetermined point of the first surface in two different directions and means for determining the position of the predetermined point from the directions in which the light was detected (*Column 13, lines 15-67, figure 3).*

Regarding **claims 74 and 107** Ogawa discloses a touch pad according to claim 63, wherein the detecting means comprise at least one detector and reflecting means (light receiving element) or lens means for directing the light emitted in the two different directions on to the at least one detector (*Column 14, lines 5-41*).

Regarding **claims 75 and 108** Ogawa discloses a touch pad comprising at least two detectors each being at least one-dimensional detectors having a number of detecting points or areas, the detectors and reflecting/lens means (light receiving element) being positioned so that light from two different points on the first surface are detected at different points/areas of at least one of the detectors (*Column 25, lines 25-67 reference filter and CCD*).

Regarding **claims 76 and 109** Ogawa discloses a touch pad further comprising a plurality of slots or apertures provided between the predetermined point at the first surface and the one-dimensional detectors, the detecting points/areas of the one-dimensional detectors being at least substantially equidistant, and a distance between two adjacent slots being different from a multiple of a distance between two adjacent areas/points of a detector (*Columns 2-3, lines 66-67 and 1-7 respectively*).

Regarding **claim 77** Ogawa discloses a touch pad according to claim 61, wherein the at least one detector comprises a CCD detector (*Column 4, lines 26-30*).

Regarding **claims 78 and 110** Ogawa discloses a touch pad according wherein the CCD detector is a two-dimensional detector having a number of rows of detecting points/areas, and wherein each detector comprises at least one row of the COD and

detects light transmitted through the transmissive means by one or more rows of the detecting points/elements (*Column 14, lines 5-54*).

Regarding **claims 79 and 111** Ogawa discloses a touch pad further comprising means for directing light from surroundings of the touch pad to one or more other rows of the CCD (*Column 14, lines 5-54*).

Regarding **claims 80 and 112** Ogawa discloses a touch pad wherein a filter means or the reflecting/lens means is adapted to transmit at least substantially only light within a predetermined wavelength interval (*Figure 3 reference 24*).

Regarding **claims 81 and 113** Ogawa discloses a touch pad further comprising a stylus or pen adapted to emit light from a point thereof, the stylus or pen being adapted to transmit light into the light transmissive means when touching and/or being translated over the first surface (*Column 5, lines 54-65, Figure 2*).

Regarding **claims 82 and 114** Ogawa discloses a touch pad further comprising means for receiving light from outside the pad (*image pickup unit*) and in a plane at least substantially parallel to the first surface (*Figure 1*) and for transporting the light into the light transmissive means (*light path*), the determining means being adapted to determine a position outside the pad from which the light is emitted (*Column 2, lines 34-65*).

Regarding **claims 83 and 115** Ogawa discloses a touch pad wherein the receiving means comprise at least two lens means (pattern plates) or mirror means positioned so as to direct light from the outside of the pad along the plane into the light

transmissive means (*Column 12, lines 59-67with pattern plates described in column 14, lines 5-10*).

Regarding **claims 84 and 116** Ogawa discloses a touch pad wherein the lens or mirror means form part of the light transmissive means as a single element (*Figure 3 reference 21*).

Regarding **claims 85 and 117** Ogawa discloses a touch pad further comprising means for directing light transported into the light transmissive means by the transporting means to the determining means (*Column 2, lines 34-65*).

Regarding **claim 86** Ogawa discloses a touch pad further comprising a stylus or pen having: a first light transmitting channel along a predetermined axis of the stylus or pen (18), means for providing light into and along the transmitting channel (15), means for outputting the light from the transmitting channel (3), a receiving channel being adapted to receive light output from the transmitting channel and having been reflected outside the pen or stylus (12 and 20), and means for directing light from the receiving channel toward the receiving means of the pad (3) (*Figure 2*).

Regarding **claim 87** Ogawa discloses a stylus for use in the touch pad, the stylus having a light providing means and means for emitting light provided from a point of the stylus (*Column 5, lines 54-65, Figure 2*).

Regarding **claim 88** Ogawa discloses a stylus wherein the point of the stylus is flexible (*Figure 2 reference 11).*

Regarding **claim 89** Ogawa discloses a stylus wherein the light providing means is a light emitter (*Figure 2 reference 19*).

Regarding **claim 90** Ogawa discloses a stylus wherein the light providing means comprises means for receiving light from one or more surrounding light emitter(s) (*Figure 2 reference 20*).

Regarding **claim 91** Ogawa discloses a stylus further having means for varying an intensity and/or wavelength of the light emitted, the variation being controlled by a controlling means controllable by a user (*Figure 2 reference 17)*.

Regarding **claims 92 and 119** Ogawa discloses a stylus wherein the controlling means comprises an area of the stylus, the area being adapted to be exposed to pressure or depression by the user, exposure to pressure or depression will make the controlling means vary the intensity and/or wavelength (*Figure 2 reference 17*) and wherein the determining step comprises detecting the variation (*Column 7, lines 26-39*).

Regarding **claim 93** Ogawa discloses a stylus or pen having: a first light transmitting channel along a predetermined axis of the stylus or pen (18), means for providing light into and along the transmitting channel (20), means for outputting the light from the transmitting channel (3), a receiving channel being adapted to receive light output from the transmitting channel and having been reflected outside the pen or stylus (18), and means for outputting the light from the receiving channel (3) (*Figure 2*).

Regarding **claim 118** Ogawa discloses a method comprising translating a stylus or pen having: a first light transmitting channel along a predetermined axis of the stylus

or pen (18), means for providing light into and along the transmitting channel (20), means for outputting the light from the transmitting channel (3), a receiving channel being adapted to receive light output from the transmitting channel and having been reflected outside the pen or stylus (18), means for directing light from the receiving channel (3) (Figure 2) toward the receiving means of the pad over a surface having areas of varying light reflection, the light or stylus directing light of varying intensity toward the touch pad, wherein the determining step comprises determining information from the variation in the light intensity (*Column 7, lines 18-25*).

Regarding **claim 120** Ogawa discloses a method wherein the varying step comprises the user depressing an area of the stylus, the depression facilitating the variation of the intensity and/or wavelength (*Figure 2 reference 17 and 14*).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 65-70 and 98-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogawa** in view of **Crowley et al.** (US Patent 5,459,461), referred to hereafter as Crowley.

Regarding **claims 65 and 98** Ogawa discloses a touch pad comprising a light emitter adapted to transmit light (*Figure 1 and 2*).

However Ogawa does not disclose the touch pad to further comprise a flexible element positioned at or on the first surface, the element being adapted to have a part thereof depressed toward the first surface and to direct light from the flexible element into the member at the depressed part.

Crowley discloses a flexible keyboard made for small electronic devices that comprises the keyboard adapted to having a part thereof depressed toward the first surface and to direct light from the flexible keyboard into the member at the depressed part (*Column 1, lines 60-66, The light form the pen is enabled to go through the tops of the keys because the keys are made from clear material. The keyboard performs the basic operation describe in the claim.)*

It would have been obvious to one skilled in the art to combine Ogawa's optical position detection unit with Crowley's flexible keyboard to provide a relatively thin, low mass, data entry panel which can be distorted from its functional shape, inexpensive and reliable as disclosed by Crowley.

Regarding **claims 66 and 99** Crowley discloses a touch pad according, wherein the flexible element has a first side comprising a number of predetermined first areas adapted to be depressed toward the first surface and a second side having, at areas opposite to the predetermined first areas, second areas which, in a first, non-depressed position, have a distance to the first surface and, in a second, depressed position, about

the first surface (*Column 1, lines 60-66, claim describes a basic keyboard and its operation).*

Regarding **claims 67 and 100** Crowley discloses a flexible element (keyboard) has, between the second areas, means for preventing transmission of light from the flexible element to the first surface (*Column 1, lines 60-66, only the top parts of the key are clear stopping any light emitted to any other surface of the keyboard).*

Regarding **claims 68 and 101** Crowley discloses a depressing means (keyboard) having a first side comprising a number of predetermined first areas (keys) adapted to be depressed toward the first surface and a second side having, at areas opposite to the predetermined first areas, depression elements which, in a first, non-depressed position, do not to any substantial degree depress the flexible member and, in a second, depressed position, depress the flexible member (*Column 1, lines 60-66, claim describes a basic keyboard and its operation).*

Regarding **claims 69 and 102** Crowley discloses a depressing means comprises an at least substantially stiff member (*each key is substantially stiff to allow activation by a user)* being rotatable in relation to a remaining part of the depressing means, the stiff member having, at its first side, a plurality of the first areas and, at its second side, a plurality of the depression elements (*Figure 6*).

Regarding **claim 70 and 103** Crowley discloses an element having a first side having a number of first predetermined positions for engagement of a user and a second side having a number of second positions or areas corresponding to the first

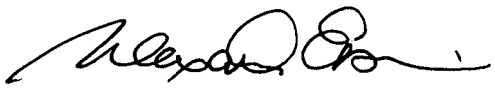
positions (*Column 1, lines 60-66)*, the element being adapted to, when a first position is engaged by the user, emit light from the corresponding second position, the second side being positioned so that the light emitted may be received by the first surface (*It was well known at the time of the invention that keys could be illuminated when activated, hence emit light to the first surface)*.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Leiby whose telephone number is 571-270-3142. The examiner can normally be reached on 8-4 m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alexander Eisen
SPE
Art Unit 2609

June 4th, 2007